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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,673	12/13/2000	Hajime Sakai	MAT-8072US	5614

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

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DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,673

Applicant(s)

SAKAI ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,9,10 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,9,10 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 19.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 3-4, 9-10 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 11-220524 (Toshiaki et al hereinafter Toshiaki).

Regarding claim 3. Toshiaki teaches using multiple colors to light backlights of a display to indicate incoming call (abstract) matches pre-registered telephony directory (see paragraphs 0027, 0047 and 0067). Toshiaki discloses that a first luminescence lights up the back light of crystal display when incoming call matches number in memory (see paragraph 0034 and 0035) and a specific color luminescence means is used when inequality with the incoming call is detected. In other words a second luminescence means lights up to indicate incoming call information does not coincide with stored information (see paragraphs 0036 to 0043). Toshiaki even discloses combining two colors to produce third color (see paragraph 0044) or the back light may change according to time of day (see paragraph 0050).

Regarding claim 4. Toshiaki teaches storing caller information relating to caller groups (abstract, see paragraphs 006, 0027, 0030, 0034 - 0044).

Regarding claims 9-10. Toshiaki teaches wherein the caller's information contains at least telephone number (abstract, see paragraphs 006, 0027, 0030, 0034 - 0044).

Regarding claim 13. Toshiaki teaches detecting incoming telephone caller information (abstract, see paragraphs 006, 0027, 0030, 0034 - 0044).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 3-4, 9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uyeno et al (5,946,636 hereinafter Uyeno) in view of JP 11-220524 (Toshiaki et al hereinafter Toshiaki).

Regarding claim 3. Uyeno teaches a quick-recognition visual notification system that uses plurality of colors so that the user may quickly and easily identify incoming communications (Title, abstract). Uyeno uses different colors for indicating categories of calls: friends, family, and work-related wherein the LCD's or LED's are capable of emitting multi-color signals, such as red, blue, yellow, and orange, in either flashing mode or a continuous mode so that the identity of the owner of the radio telephone, the identity of an incoming caller, reminder alarms for time ore event, the presence of voice messages, memos, or telephone errors or diagnostics (col. 1 line 54 – col. 3 line 44, col. 4 lines 14-27). Alternatively, a bank of clear lights disposed beneath colored lenses may also be used. Uyeno discloses that type of incoming calls may be color-coded and even a default category would include unknown callers (col. 3 line 45 – col. 4 line 13).

Uyeno does not explicitly show the using a second color when the incoming call information does not match stored caller information.

Toshiaki also teaches using multiple colors to light backlights of a display to indicate incoming call (abstract) matches pre-registered telephony directory (see paragraphs 0027, 0047 and 0067). Toshiaki discloses that a first luminescence lights up the back light of crystal display when incoming call matches number in memory (see paragraph 0034 and 0035) and a specific color luminescence means is used when

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inequality with the incoming call is detected. In other words a second luminescence means lights up to indicate incoming call information does not coincide with stored information (see paragraphs 0036 to 0043). Toshiaki even discloses combining two colors to produce third color (see paragraph 0044) or the back light may change according to time of day (see paragraph 0050).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Uyeno to use second luminescence means as taught by Toshiaki to indicate that caller information does not coincide with stored caller information.

Regarding claim 4. Uyeno teaches storing caller information relating to caller groups (col. 2 lines 52-53, col. 3 lines 5-29, col. 3 lines 46-57, col. 4 lines 13-27, col. 6 line 28 – col. 8 line 37).

Regarding claims 9-10. Uyeno teaches wherein the caller's information contains at least telephone number (col. 2 lines 52-53, col. 3 lines 5-29, col. 3 lines 46-57, col. 4 lines 13-27, col. 6 line 28 – col. 8 line 37).

Regarding claim 13. Uyeno teaches detecting incoming telephone caller information (col. 1 lines 54-67).

3. Claims 3-4, 9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uyeno et al (5,946,636 hereinafter Uyeno) in view of JP 10-145475 (Hisami et al hereinafter Hisami).

Regarding claim 3. Uyeno teaches a quick-recognition visual notification system that uses plurality of colors so that the user may quickly and easily identify incoming communications (Title, abstract). Uyeno uses different colors for indicating categories of calls: friends, family, and work-related wherein the LCD's or LED's are capable of emitting multi-color signals, such as red, blue, yellow, and orange, in either flashing mode or a continuous mode so that the identity of the owner of the radio telephone, the identity of an incoming caller, reminder alarms for time ore event, the presence of voice messages, memos, or telephone errors or diagnostics (col. 1 line 54 – col. 3 line 44, col. 4 lines 14-27). Alternatively, a bank of clear lights disposed beneath colored lenses may also be used. Uyeno discloses that type of incoming calls may be color-coded and even a default category would include unknown callers (col. 3 line 45 – col. 4 line 13).

Uyeno does not explicitly show the using a second color when the incoming call information does not match stored caller information.

Hisami teaches using first and second color lighting arrangement for back lighting LCD (see paragraphs 0008 – 0009, 0012, 0019, 0021, 0030, 0033 – 0035, 0038 and 0039). For example, use first color (i.e. green) for recognized callers and a second color (i.e. red) for unrecognized callers.

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Uyeno to use second

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green and read as color code as taught by Hisami to indicate that caller information is recognized by green back light and not recognized by red back light when call received.

Regarding claim 4. Uyeno teaches storing caller information relating to caller groups (col. 2 lines 52-53, col. 3 lines 5-29, col. 3 lines 46-57, col. 4 lines 13-27, col. 6 line 28 – col. 8 line 37).

Regarding claims 9-10. Uyeno teaches wherein the caller's information contains at least telephone number (col. 2 lines 52-53, col. 3 lines 5-29, col. 3 lines 46-57, col. 4 lines 13-27, col. 6 line 28 – col. 8 line 37).

Regarding claim 13. Uyeno teaches detecting incoming telephone caller information (col. 1 lines 54-67).

Response to Arguments

4. Applicant's arguments with respect to claims 3-4, 9-10 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(6,690,955) Komiyama also teaches producing a color illumination uniquely identifying a calling source.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600